



02-08-05

IFW

Docket: 33503/US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named  
Inventor: Michael Fantuzzi  
Appln. No.: 10/674,268  
Filing Date: September 29, 2003  
Title: Solubilized CoQ-10

Examiner: Kosson,  
Rosanne  
Group Art Unit: 1651

## RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Express Mailing Number: EV 535043019 US  
Date of Deposit: February 7, 2005

I hereby certify that this document is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kim Anderson

(Name)

(Signature)

Dear Sir:

In response to the Restriction Requirement dated January 7, 2005, Applicant respectfully traverses the requirement, in part, for the reasons set forth below. This response is timely filed within 1 month of the mailing of the Restriction Requirement. Therefore, no fees are due at this time. However, if a fee is due, Applicants respectfully request that the fees be withdrawn from Deposit Account No. 04-1415.

Applicant respectfully traverses the Restriction Requirement with regard to Groups I, II, III and IV. Applicant considers that it would not be an undue burden for the Examiner to consider the subject matter of Claims 1 through 13 since all claims in Groups I, II, III and IV are compositions comprising coenzyme Q-10 and additional ingredient, and Groups I, II, III and IV are all classified in class 424, subclass 94.1.

Additionally, the Restriction Requirement notes that ... Groups I through IV are drawn to various compositions comprising coenzyme Q-10, while the compositions of Groups V and VI are drawn to soft gelatin capsules... thus the two compositions clearly have different modes of operation, different functions, and different effects.

Therefore, Applicant provisionally elects Groups I through IV for the previously stated reasons.

In view of the above, Applicant would withdraw claims 14-24, Groups V, VI and VII, without prejudice so that they may serve as the basis for divisional applications.

Claim 3 has been determined to be generic, i.e., limonene or a derivative thereof.

Claim 4 lists various limonene derivatives including perillyl alcohol. Applicant hereby provisionally elects perillyl alcohol for search purposes in view of the traversal. It is Applicant's understanding that upon allowance of the generic claim, the additional species will be searched and included as well.

Thus the election of perillyl alcohol would read on claims 1 through 3 and 5 through 13 (Groups I through IV).

Applicant understands that the traversal of the Restriction Requirement may not be complete without an election even though the Restriction Requirement has been traversed.

Accordingly, Applicant elects Group I, drawn to a composition comprising coenzyme Q-10 and vitamin E, classified in class 424, subclass 94.1.

As above, in the event Applicant's arguments are not persuasive regarding the combining of Groups I through IV, Applicant elects perillyl alcohol for search purposes. Again, it is Applicant's understanding that upon allowance of the generic claim, the additional species will be searched and included as well.

Thus, the election of perillyl alcohol would read on claims 1 through 3 and 5 through 10.

If a telephone conversation with Applicant's attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicant's attorney.

Respectfully submitted,

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By: 

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Date: February 7, 2005